

IN THE UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

ROBERT ROBERTSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
WAUSAUP, LLC,	)	NO: 3:16-CV-145-SMY-DGW
a corporation,	)	
	)	
and	)	
	)	
MATTHEW BLACK,	)	
	)	
Defendants.	)	

**FIRST AMENDED**  
**COMPLAINT**

**COUNT I**

(Comparative Negligence)  
Robert Robertson v. Matthew Black

Now comes the Plaintiff, Robert Robertson, by and through his attorney, Thomas C. Rich, P.C., and for his cause of action against the Defendant, Matthew Black, respectfully represents unto the Court as follows:

1. That on February 5, 2015, the Plaintiff was operating a motor vehicle traveling on the Interstate 255 Southbound ramp to Illinois Route 157 in Centreville, Illinois.
2. That on February 5, 2015, the Defendant, Matthew Black, was operating a motor vehicle traveling on the Interstate 255 Southbound ramp to Illinois Route 157 in Centreville, Illinois.
3. That at said time and place, the vehicle operated by the Defendant, Matthew Black, struck the rear of Plaintiff's vehicle.

4. That at said time and place, the Defendant, Matthew Black, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the collision to occur:

- a. The Defendant failed to keep a proper lookout for other vehicles then and there rightfully upon said roadway and particularly the vehicle of the Plaintiff;
- b. The Defendant drove his vehicle in such a manner as to cause it to strike the rear of the Plaintiff's vehicle;
- c. The Defendant failed to properly apply the brakes of his vehicle;
- d. The Defendant operated his vehicle at an excessive rate of speed which was greater than was reasonable and proper having regard for the traffic then and there upon said highway and the condition of said highway, contrary to the provisions of 625 ILCS 5/11-601; and
- e. The Defendant followed the Plaintiff's vehicle more closely than was reasonable and proper having regard for the speed of such vehicle and the traffic then and there upon said highway and the condition of the highway, contrary to the provisions of 625 ILCS 5/11-710(a).

5. That as a direct and proximate result of one or more of the foregoing acts of negligence and/or omissions of the Defendant, Matthew Black, the Plaintiff was injured in one or more of the following ways:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to his head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to his neck;
- c. The Plaintiff received injuries to his arm;
- d. The Plaintiff received injuries to his back;
- e. The Plaintiff received injuries to the soft tissues of the cervical, shoulder, and lumbar area, including the muscles, ligaments, tendons and nerves;
- f. The Plaintiff has expended money for necessary medical care, treatment and will be required to expend money for medical care, treatment and services in the future;

- g. The Plaintiff has suffered disability as a result of his injuries;
- h. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and
- i. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Robert Robertson, prays judgment against the Defendant, Matthew Black, for a fair and just award in excess of Fifty Thousand Dollars (\$50,000.00) plus costs of this suit.

## **COUNT II**

(Comparative Negligence)

Robert Robertson v. Wausaup LLC, a corporation

Now comes the Plaintiff, Robert Robertson, by and through his attorney, Thomas C. Rich, P.C., and for his cause of action against the Defendant, Wausaup LLC, a corporation, (hereinafter referred to as Wausaup), respectfully represents unto the Court as follows:

- 1. That on February 5, 2015, the Plaintiff was operating a motor vehicle traveling on the Interstate 255 Southbound ramp to Illinois Route 157 in Centreville, Illinois.
- 2. That on February 5, 2015, the Defendant, Wausaup, by and through its agent and employee, Mathew Black, was operating a motor vehicle traveling on the Interstate 255 Southbound ramp to Illinois Route 157 in Centreville, Illinois.
- 3. That at said time and place, the vehicle operated by the Defendant, Wausaup, by and through its agent and employee, Matthew Black, struck the rear of Plaintiff's vehicle.
- 4. That at said time and place, the Defendant, by and through its agent and employee, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the collision to occur:
  - a. The Defendant failed to keep a proper lookout for other vehicles then and there rightfully upon said roadway and particularly the vehicle of the Plaintiff;

- b. The Defendant drove its vehicle in such a manner as to cause it to strike the rear of the Plaintiff's vehicle;
- c. The Defendant failed to properly apply the brakes of its vehicle;
- d. The Defendant operated its vehicle at an excessive rate of speed which was greater than was reasonable and proper having regard for the traffic then and there upon said highway and the condition of said highway, contrary to the provisions of 625 ILCS 5/11-601; and
- e. The Defendant followed the Plaintiff's vehicle more closely than was reasonable and proper having regard for the speed of such vehicle and the traffic then and there upon said highway and the condition of the highway, contrary to the provisions of 625 ILCS 5/11-710(a).

5. That as a direct and proximate result of one or more of the foregoing acts of negligence and/or omissions of the Defendant, Wausaup, by and through its agent and employee, Matthew Black, the Plaintiff was injured in one or more of the following ways:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to his head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to his neck;
- c. The Plaintiff received injuries to his arm;
- d. The Plaintiff received injuries to his back;
- e. The Plaintiff received injuries to the soft tissues of the cervical, shoulder, and lumbar area, including the muscles, ligaments, tendons and nerves;
- f. The Plaintiff has expended money for necessary medical care, treatment and will be required to expend money for medical care, treatment and services in the future;
- g. The Plaintiff has suffered disability as a result of his injuries;
- h. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and
- i. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Robert Robertson, prays judgment against the Defendant, Wausaup LLC, a corporation, for a fair and just award in excess of Fifty Thousand Dollars (\$50,000.00) plus costs of this suit.

Respectfully submitted,

/ s / Thomas C. Rich

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BY: THOMAS C. RICH, P.C.  
Mr. Thomas C. Rich #06186229  
Ms. Kristina D. Cooksey #6299549  
Mrs. Michelle M. Rich #6310004  
Attorneys at Law  
6 Executive Drive, Suite 3  
Fairview Heights, IL 62208  
618-632-0044 PHONE  
618-632-9749 FAX  
[tomrich@tomrichlaw.com](mailto:tomrich@tomrichlaw.com)

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Plaintiff,	)	
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WAUSAUP, LLC,	)	NO: 3:16-CV-145-SMY-DGW
a corporation,	)	
	)	
and	)	
	)	
MATTHEW BLACK,	)	
	)	
Defendants.	)	

**AFFIDAVIT**

Now comes Thomas C. Rich, P.C. attorney for the Plaintiff in the above titled action and at the time of the filing of this Complaint have reasonable grounds to believe that the damages to the Plaintiff as a result of the injuries sustained herein will be in excess of Fifty Thousand Dollars (\$50,000.00).

4/19/16

/ s / Thomas C. Rich

DATE

BY: THOMAS C. RICH, P.C.  
Mr. Thomas C. Rich #06186229  
Ms. Kristina D. Cooksey #6299549  
Mrs. Michelle M. Rich #6310004  
Attorneys at Law  
6 Executive Drive, Suite 3  
Fairview Heights, IL 62208  
618-632-0044 PHONE  
618-632-9749 FAX  
[tomrich@tomrichlaw.com](mailto:tomrich@tomrichlaw.com)